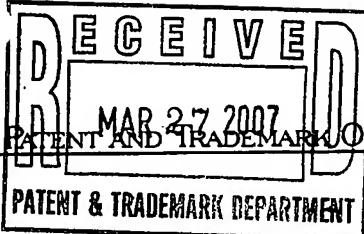




UNITED STATES PATENT AND TRADEMARK OFFICE



Express Mail Mailing Label No. EV926971957US

UNITED STATES DEPARTMENT OF COMMERCE
United States Patent and Trademark Office
Address: COMMISSIONER FOR PATENTS
P.O. Box 1450
Alexandria, Virginia 22313-1450
www.uspto.gov

| | | |
|-----------------------------|-----------------------|------------------|
| U.S. APPLICATION NUMBER NO. | FIRST NAMED APPLICANT | ATTY. DOCKET NO. |
| 10/582,531 | | WYE-089US |

INTERNATIONAL APPLICATION NO.

PCT/US04/41668

| | |
|------------------|---------------|
| I.A. FILING DATE | PRIORITY DATE |
| 12/10/2004 | 12/12/2003 |

54623
KIRKPATRICK & LOCKHART PRESTON GATES ELLIS LLP
STATE STREET FINANCIAL CENTER
ONE LINCOLN STREET
BOSTON, MA 02111-2950

CONFIRMATION NO. 9924
371 FORMALITIES LETTER



OC000000023009399

Date Mailed: 03/21/2007

NOTIFICATION OF MISSING REQUIREMENTS UNDER 35 U.S.C. 371 IN THE UNITED STATES DESIGNATED/ELECTED OFFICE (DO/EO/US)

The following items have been submitted by the applicant or the IB to the United States Patent and Trademark Office as a Designated / Elected Office (37 CFR 1.495).

- Copy of the International Application filed on 06/09/2006
- Preliminary Amendments filed on 06/09/2006
- Request for Immediate Examination filed on 06/09/2006
- U.S. Basic National Fees filed on 06/09/2006
- Specification filed on 06/09/2006
- Claims filed on 06/09/2006
- Abstracts filed on 06/09/2006
- Drawings filed on 06/09/2006

The applicant needs to satisfy supplemental fees problems indicated below.

The following items **MUST** be furnished within the period set forth below in order to complete the requirements for acceptance under 35 U.S.C. 371:

- Additional claim fees of \$400 as a non-small entity, including any required multiple dependent claim fee, are required. Applicant must submit the additional claim fees or cancel the additional claims for which fees are due.
- Oath or declaration of the inventors, in compliance with 37 CFR 1.497(a) and (b), identifying the application by the International application number and international filing date.
- To avoid abandonment, a surcharge (for late submission of filing fee, search fee, examination fee or oath or declaration) as set forth in 37 CFR 1.492(h) of \$130 for a non-small entity, must be submitted with the missing items identified in this letter.

SUMMARY OF FEES DUE:

Total additional fees required for this application is \$830 for a Large Entity:

- \$130 Surcharge.
 - This application clearly fails to comply with the requirements of 37 CFR. 1.821-1.825. Applicant's attention is directed to the final rulemaking notice published at 55 FR 18230 (May 1, 1990), and 1114 OG 29 (May 15, 1990). If the effective filing date is on or after July 1, 1998, see the final rulemaking notice published at 63 FR 29620 (June 1, 1998) and 1211 OG 82 (June 23, 1998). If the effective filing date is on or after September 8, 2000, see the final rulemaking notice published in the Federal Register at 65 FR 54604 (September 8, 2000) and 1238 OG 145 (September 19, 2000). Applicant must provide an initial computer readable form (CRF) copy of the "Sequence Listing", an initial paper or compact disc copy of the "Sequence Listing", as well as an amendment specifically directing its entry into the application. Applicant must also provide a statement that the content of the sequence listing information recorded in computer readable form is identical to the written (on paper or compact disc) sequence listing and, where applicable, includes no new matter, as required by 37 CFR 1.821(e), 1.821(f), 1.821(g), 1.825(b), or 1.825(d). If applicant desires the sequence listing in the instant application to be identical with that of another application on file in the U.S. Patent and Trademark Office, such request in accordance with 37 CFR 1.821(e) may be submitted in lieu of a new CRF.
 - A copy of the "Sequence Listing" in computer readable form has not been submitted as required by 37 CFR 1.821(e). If the effective filing date is on or after September 8, 2000, see the final rulemaking notice published in the Federal Register at 65 FR 54604 (September 8, 2000) and 1238 OG 145 (September 19, 2000). Applicant must provide an initial computer readable form (CRF) copy of the "Sequence Listing" and a statement that the content of the sequence listing information recorded in computer readable form is identical to the written (on paper or compact disc) sequence listing and, where applicable, includes no new matter, as required by 37 CFR 1.821(e), 1.821(f), 1.821(g), 1.825(b), or 1.825(d). If applicant desires the sequence listing in the instant application to be identical with that of another application on file in the U.S. Patent and Trademark Office, such request in accordance with 37 CFR 1.821(e) may be submitted in lieu of a new CRF.
- The application search fee has not been paid. Applicant must submit \$100 to complete the search fee. Note a surcharge will be required if submitted later than commencement of the national stage (37 CFR 1.492(h)) and the basic national fee was not paid before July 1, 2005.
- The application examination fee has not been paid. Applicant must submit \$200 to complete the examination fee for a non-small entity. Note a surcharge will be required if submitted later than commencement of the national stage (37 CFR 1.492(h)) and the basic national fee was not paid before July 1, 2005.
- Total additional claim fee(s) for this application is \$ 400
 - \$400 for 2 independent claims over 3.

Applicant is cautioned that correction of the above items may cause the specification and drawings page count to exceed 100 pages. If the specification and drawings exceed 100 pages, applicant will need to submit the required application size fee.

For questions regarding compliance to 37 CFR 1.821-1.825 requirements, please contact:

- For Rules Interpretation, call (571) 272-0951
- For Patentin Software Program Help, call Patent EBC at 1-866-217-9197 or directly at 703-305-3028 / 703-308-6845 between the hours of 6 a.m. and 12 midnight, Monday through Friday, EST.
- Send e-mail correspondence for Patentin Software Program Help @ ebc@uspto.gov

ALL OF THE ITEMS SET FORTH ABOVE MUST BE SUBMITTED WITHIN TWO (2) MONTHS FROM THE DATE OF THIS NOTICE OR BY 32 MONTHS FROM THE PRIORITY DATE FOR THE APPLICATION, WHICHEVER IS LATER. FAILURE TO PROPERLY RESPOND WILL RESULT IN ABANDONMENT.

The time period set above may be extended by filing a petition and fee for extension of time under the provisions of 37 CFR 1.136(a).

Applicant is reminded that any communications to the United States Patent and Trademark Office must be mailed to the address given in the heading and include the U.S. application no. shown above (37 CFR 1.5)

Registered users of EFS-Web may alternatively submit their reply to this notice via EFS-Web.
<https://sportal.uspto.gov/authenticate/AuthenticateUserLocalEPF.html>

For more information about EFS-Web please call the USPTO Electronic Business Center at 1-866-217-9197 or visit our website at <http://www.uspto.gov/ebc>.

If you are not using EFS-Web to submit your reply, you must include a copy of this notice.

DARRELL C COTTMAN

Telephone: (703) 308-9140 EXT 203

PART 1 - ATTORNEY/APPLICANT COPY

| U.S. APPLICATION NUMBER NO. | INTERNATIONAL APPLICATION NO. | ATTY. DOCKET NO. |
|-----------------------------|-------------------------------|------------------|
| 10/582,531 | PCT/US04/41668 | WYE-089US |

FORM PCT/DO/EO/905 (371 Formalities Notice)

PATENT
Attorney Docket No. WYE-089US

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

| | | | |
|------------------|----------------------|-------------------|------------------|
| APPLICANT(S): | Franco <i>et al.</i> | CONFIRMATION NO.: | 9924 |
| APPLICATION NO.: | 10/582,531 | GROUP NO.: | Not yet assigned |
| FILING DATE: | Not yet assigned | EXAMINER: | Not yet assigned |
| TITLE: | Novel Sodium Channel | | |

Mail Stop PCT
Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

RESPONSE TO NOTIFICATION OF MISSING REQUIREMENTS UNDER
35 U.S.C. 371 IN THE UNITED STATES DESIGNATED/ELECTED
OFFICE (DO/EO/US)

Sir:

This paper is responsive to the Notification of Missing Requirements Under 35 U.S.C. 371 in the United States Designated/Elected Office (DO/EO/US) ("Notification") mailed from the U.S. Patent and Trademark Office on March 21, 2007.

Applicants authorize the U.S. Patent and Trademark Office to charge Deposit Account No. 50-1721 the amount of \$1200 to cover the cost of the search fee (\$500), examination fee (\$200), utility size fee (\$250), late fee (\$130), and petition for one-month extension of time (\$120). Applicants submit that no excess claims fees are due because a preliminary amendment was filed together with the Transmittal Letter to the United States Designated/Elected Office Concerning a Filing Under 35 U.S.C. 371 on June 9, 2006, and the preliminary amendment reduced the number of independent claims to three. Nevertheless, if a further extension of time or further fee is required, please consider this a conditional petition for any required extension of time and an authorization to charge any required fee to Deposit Account No. 50-1721.

Applicants further enclose a paper copy and a computer readable form of the sequence listing. Applicants respectfully request entry of the sequence listing in the application.

An executed declaration signed by inventors Rodrigo Franco and Angela Hornsten is also enclosed.

Applicants invite the Examiner to telephone the undersigned with any questions relating to submission of this paper.

Respectfully submitted,



Karen A. Schouten
Attorney for the Applicants
Kirkpatrick & Lockhart Preston
Gates Ellis LLP
State Street Financial Center
One Lincoln Street
Boston, Massachusetts 02111-2950

Date: June 21, 2007
Reg. No. 58,343

Tel. No.: (617) 261-3216
Fax No.: (617) 261-3175

BOS-1096132 v1